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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/092,489	03/08/2002	Barbara L. Merboth	X-9353	1281

7590

10/15/2003

John S. Hale
c/o Gipple & Hale
6665-A Old Dominion Drive
McLean, VA 22101

EXAMINER

FOSTER, JIMMY G

ART UNIT	PAPER NUMBER
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3728

DATE MAILED: 10/15/2003

8

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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EXAMINER

ART UNIT	PAPER
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8

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Jimmy G Foster
Primary Examiner
Art Unit: 3728

Art Unit: 3728

Notice of Incomplete Response

1. The communication filed on August 4, 2003 is incomplete with respect to 37 CFR 1.111 and therefore non-responsive to the prior Office action because it fails to particularly point out how the amendments to claims 1, 19 and 22 overcome the applied references of record (see 37

CFR 1.111(c):

(c) In amending in reply to a rejection of claims in an application or patent under reexamination, the applicant or patent owner must clearly point out the patentable novelty which he or she thinks the claims present in view of the state of the art disclosed by the references cited or the objections made. The applicant or patent owner must also show how the amendments avoid such references or objections. (examiner's emphasis))

For example, the response fails to point out how the addition of the term "linear" in line 9 of claim 1 distinguishes the claim over the applied references and where, in the description, there is support for this change. Inasmuch as Applicant's description fails to refer to a linear shaped structure (to provide appropriate antecedent basis for claimed terminology as required by 37 C.F.R. 1.75(d)(1)) it is unclear what structural feature disclosed with respect to Applicant's insert member is being relied on by the limitation. Also inasmuch as Applicant's remarks bare little correspondence with the changes made in the claims, the examiner is unable to understand what is being relied on by the change in said line 9.

2. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment.

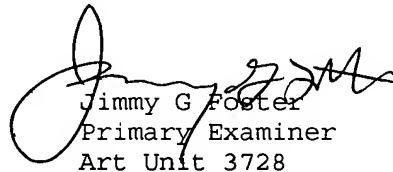
EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

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3. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jimmy G Foster whose telephone number is (703) 308-1505. The examiner can normally be reached on Mon-Fri, 8:45am-5:15pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mickey Yu can be reached on (703) 308-2672. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1148.


Jimmy G Foster
Primary Examiner
Art Unit 3728

JGF
14 October 2003